THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.244 of 2007

DATED: 04.01.2007

Between:

Smt. K.Srilakshmi.

…Petitioner

and

1. The Government of Andhra Pradesh,
rep. by its Principal Secretary,
Municipal Administration & Urban Development,
Secretariat Building, Hyderabad.

2. The Malkajgiri Municipality,
rep. by its Commissioner, Malkajgiri,
Ranga Reddy District.

...Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

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ORDER:

Heard the counsel.

The matter is coming up for admission. Sri Polisetty Radhakrishna takes notice on behalf of the respondents.

The Writ Petition is filed for a Writ of Mandamus declaring the action of the second respondent in not passing orders on the petitioner's application, dated 27.11.2006, praying for permission for construction of residential building in plot No.7A in Survey No.218/1 of Defence Colony, Malkajgiri Municipality, Ranga Reddy District, as illegal, void and opposed to

Articles 14, 19, 21 and 300-A of the Constitution of India, and consequently direct the second respondent to grant permission for construction of the residential building in plot No.7A in Survey No.218/1 of Defence Colony, Malkajgiri Municipality, Ranga Reddy District, and pass such other orders.

It is brought to the notice of this Court that similar W.P.No.23194 of 2006 was disposed of by this Court by order dated 24.11.2006. It is stated that the petitioner purchased a residential plot No.7A through registered sale deed bearing Doc.No.3304 of 1991, dated 16.07.1991, in R.S.218/1, admeasuring 350 sq. yards situated at Defence Colony, Malkajgiri Municipality, Ranga Reddy District, from one G.Sundara Rao. The layout of the colony was approved by the Malkajgiri Gram Panchayat vide GPLP No.328/1966, dated 29.06.1966. Subsequently, in the year 1981, the Gram Panchayat Malkajgiri is upgraded as Municipality. The Assistant Director, Survey and Land Records, Ranga Reddy District, basing on the requisition given by the Commissioner, Malkajgiri Municipality vide letter No.G2/2035/97, dated 02.07.1997, conducted survey and demarcation of boundary of Malkajgiri and Kapra Villages and declared that R.S.No.218/1 would fall within the limits of Malkajgiri Municipality.

In view of the fact that similar Writ Petition, being W.P. No.22194 of 2006, had been disposed of, this Court is also inclined to dispose of the present Writ Petition.

In view of the facts and circumstances explained in detail in the affidavit filed in support of the Writ Petition, it is the bounden duty of the second respondent to dispose of the application of the petitioner, dated 27.11.2006, seeking permission for construction of residential building in plot No.7A in survey No.218/1 of Defence Colony, Malkajgiri Municipality, Ranga Reddy District, in accordance with law. Keeping the said application pending for a sufficient long time, is definitely unjust. In view of the same, the second respondent is hereby directed to consider and dispose of the application, dated 27.11.2006, submitted by the petitioner for grant of

permission for construction of residential building in plot No.7A in survey No.218/1 of Defence Colony, Malkajgiri Municipality, Ranga Reddy District, in accordance with law, within a period of four weeks from the date of receipt of a copy of this Order.

Accordingly, with the above observations, the Writ Petition is disposed of to the extent indicated above. No order as to costs.

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(P.S.NARAYANA,J)

04.01.2007

vv/dr